

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

STEVE COOLEY,	§	
PLAINTIFF,	§	
	§	
Vs.	§	C.A. No. G-_____
	§	
CITY OF TEXAS CITY AND	§	
THE TEXAS CITY FIREFIGHTERS'	§	
AND POLICE OFFICERS' CIVIL	§	
SERVICE COMMISSION, AND	§	
GERALD GRIMM, IN HIS OFFICIAL	§	
AND INDIVIDUAL CAPACITIES,	§	
DEFENDANTS.	§	

**DEFENDANTS' NOTICE OF REMOVAL OF CIVIL ACTION**

CITY OF TEXAS CITY AND THE TEXAS CITY FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION, AND GERALD GRIMM, IN HIS OFFICIAL AND INDIVIDUAL CAPACITIES (the "Defendants"), the Defendants herein, file their Notice of Removal under the authority of 28 U.S.C. §§ 1441 (b) and 1446(a) and (b).

**I.**

**STATE COURT ACTION**

The civil action being removed was initiated in the 122nd Judicial District Court of Galveston County, Texas, on or about April 3, 2006, and was assigned docket number 05-CV-0419.

**II.**

**BASIS FOR REMOVAL**

In their second amended original petition, the Plaintiff alleges that the actions of the City violated his rights under the First and Fourteenth Amendments of the United States Constitution and 42 U.S.C. § 1983, Civil Action for Deprivation of Rights.

**III.**

**JURISDICTION**

This Court has original jurisdiction of this action under 42 U.S.C. §§ 1331 (federal question) and 1441 (actions removable) because the Plaintiffs have alleged a violation of the Constitution of the United States and a United States statute.

**IV.**

**REMOVAL**

This action is removable under 28 U.S.C. § 1441(b) and the City's Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b). The Defendants first received notice of the contents of the Plaintiff's Second Amended Petition (the "Petition") on April 3, 2005, when a copy of the Petition was served. The Defendants in this case, are situated in Texas and requests the removal of this action to federal courts.

**V.**

Copies of all executed process, pleadings, orders, docket sheet, index and list of counsel in the State Court have been filed with this Court in accordance with 28 U.S.C. § 1446(a) and Local Rule 81 of the United States District Court, Southern District of Texas.

Respectfully submitted,

**OLSON & OLSON, L.L.P.**

By: /s/Brian J. Begle  
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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th of April 2006, a true and correct copy of the **DEFENDANTS' NOTICE OF REMOVAL** and of this certificate will be automatically served on known Filing Users through Notice of Electronic Filing and was sent by certified mail, return receipt requested to the following parties of record.

B. Craig Deats  
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/s/ Brian Begle  
BRIAN J. BEGLE